

**Town of Rockport Planning Board
Meeting Minutes
May 27th, 2021 - 5:30 P.M.**

Via Zoom
Meeting Televised on Channel 22
Streamed on Livestream.com/Rockportmaine

Board Present: Chair Joe Sternowski, John Viehman, Victoria Condon, David Pio, Carter Skemp, Mark Haley, Thomas Laurent.

Board Absent: None

Staff Present: Planner and Community Development Director Orion Thomas, Videographer Bruce Hilmeyer, Assistant to the Planning Director, Mandy Everett

Chair Sternowski called the meeting to order at 5:30 p.m. He determined that no member had a conflict of interest with any item on this agenda.

Item # 1: Approval of Minutes

Mr. Haley moved to approve the last meeting's minutes. Mr. Viehman seconded the motion. Mr. Pio was not included in the vote as he did not attend the previous meeting.

Carried 6-0-0

Item # 2: Consideration of a Final Site Plan Review for Pen Bay Medical Center (Maine Health), located at 6 Glen Cove Dr in Rockport, ME, and represented by Gartley & Dorsky Engineering & Surveying Inc. The owner is proposing to construct an expansion of its emergency department by +/- 5,600 sf., which will create a total of +/- 8,000 sf. of space for the Emergency Department. This parcel is located in Zone District 909 and 1400 at Map 06 Lot 155.

The applicants presented a plan that would expand and improve the function of the emergency room at Pen Bay Medical Center, including the addition of several new exam rooms, better patient and visitor access and security, and more privacy for those arriving by ambulance. The proposed plan also involved landscaping and changes to the building façade.

Finding: Mr. Skemp moved as a finding of fact, seconded by Mr. Laurent, that the application as proposed satisfies Section 1300 of the Land Use Ordinance.

There was some discussion on whether the proposed building would be an appropriate distance from surrounding buildings per section 1300. However, the board found that the distance between buildings was sufficient.

Carried 7-0-0

Finding: Mr. Haley moved as a finding of fact, seconded by Victoria Condon, that the application as proposed satisfies Section 900 of the Land Use Ordinance.

Carried 7-0-0

Finding: Mr. Skemp moved as a finding of fact, seconded by Mr. Haley, that the application as proposed satisfies Section 1305 of the Land Use Ordinance.

Mr. Laurent asked how the site plan addressed the runoff from the new building. The applicant stated that there was existing infrastructure and a pond that would be used for the runoff on the new addition.

Carried 7-0-0

Finding: Mr. Viehman moved as a finding of fact, seconded by Mr. Pio, that the application as proposed satisfies Section 800 of the Land Use Ordinance.

Chair Sternowski established that there would be little to no impact on soils or erosion as it was an addition to an existing structure.

The Board reviewed Section 803, and Mr. Viehman asked if the new plan was compliant with parking requirements. There was some discussion on the topic; and the board determined that the application was compliant with Section 308.

Carried 7-0-0

Finding: Mr. Laurent moved as a finding of fact, seconded by Mr. Haley, that the application as proposed satisfies Section 1000 of the Land Use Ordinance.

Mr. Haley asked for clarification about the new façade of the building to see if it complied with Section 100. The applicant stated that the same materials had already been used at another location on the hospital campus.

Chair Sternowski asked if the canopy in the site plan would have stone pillars or what would appear to be stone pillars. The applicant assured the board there would not be any stone in any part of the building's façade.

Carried 7-0-0

Motions: Mr. Pio made a motion, seconded by Mr. Skemp, to approve the final site plan application presented to the board.

Item # 3: Consideration of a Final Site Plan Review from Rick Jones at Maine Water Company for a proposed construction of additional lined lagoons at their existing water treatment facility located at 855 Rockland St in Rockport, ME. In Zone Districts 908, 915, and 1400 At Map 37 Lot 130.

The applicant quickly reviewed the changes they made to satisfy the board's suggestions for their previous pre-application. They had revised their 100-foot setbacks their flow topography to comply with the Land Use Ordinance. (???)

Chair Sternowski asked if the wastewater stored in the proposed lagoons would be toxic in any way. The applicant stated that the wastewater was in no way harmful if it were to accidentally spill.

Mr. Laurent asked if the wastewater would cause any smell, to which the applicant stated that there would be minimal to no scent from the wastewater.

Chair Sternowski asked if the applicant would adequately secure the facility so the public would not be put at risk. The applicant affirmed that they would have a chain-link fence in place to keep the public out.

Mr. Skemp asked how long the lagoons would last, and the applicants stated that the lagoons could last approximately 25-30 years.

The board determined that not all DEP or Army Corps Licenses had been approved but were in the process of being approved. There were, however, no significant concerns raised by any of these organizations.

Mr. Pio recommended that the board vote on all relevant ordinances rather than going through them one by one.

Motions: Mr. Pio moved, seconded by John, that the application as proposed was complete and satisfied Sections 908 through 915 as well as section 1400.

Carried 6-0-1

Item # 4: Consideration of a Pre-Application for Herb, LLC, subdivision represented by Gartley & Dorsky Engineering & Surveying, Inc. This parcel is located at Map 10 Lot 60 off Commercial Street (Route 1) in Rockport, ME. This parcel is in Zone District 907.

Andrew Hendrich presented the pre-application on behalf of Gartley and Drosky, representing Herb LLC. The Applicants planned to create seven single family lots, each with their own wells and septic systems, except for lots 1 and 2, as they share an existing septic tank. The applicants stated that they were up to date with all required permits, and they reviewed all construction done on the lot. The applicant's reasoning for the proposed change was the lack of demand for condominium-style housing in the current market.

Chair Sternowski asked if each lot would contain enough usable land to build a house. The applicant stated that there would be sufficient land in each lot for a house, a good well, and a septic tank.

Mr. Skemp and Mr. Pio raised several concerns about the proposed plan including, the shape of certain lots, the setbacks for each lot, and the use of private wells and septic tanks. They also expressed concern about the change in the number of lots as they felt that the developer should prioritize maximizing the number of lots.

Chair Sternowski cautioned that the Planning Boards' only purview was to judge whether the application meets the requirements of Land Use Ordinances.

The Board recommended that the applicant revise their setbacks to clarify their site plan better.

Mr. Skemp asked if the applicant could alter the wetlands on the lot, and the applicant stated that they possessed permits allowing them to change wetlands if the need arose.

Mr. Pio asked if there was a timeline for developing lots and if lots would be allowed to be left vacant. Mr. Thomas stated that there was no requirement to fill the lots in a specific period.

The applicant took the board's concerns under consideration and promised to add setbacks and further refine their site plan before returning for a final review,

Item # 5: Consideration of a Minor Subdivision Final Review for M. Richardson represented by Ingraham Land Consulting for a 4-lot subdivision located at

Map 6 lot 65-001, zone district 904. Applicant is also proposing to add additional land to Lot 50.

The Applicant addressed the board and stated that they had made the changes necessary to approve the final site plan.

The board heard two public comments by two residents of the existing Terrier Circle subdivision, Todd [Last Name] and Jamie [Last Name]. The residents reviewed the complaints they had already submitted to the board and brought up other concerns. The concerns they listed included: the noise created by the applicants, traffic, and the safety of residents. In addition, the residents were concerned about the number of lots allowed for any new subdivisions. They believed only two lots were legally allowed to be added through the Terrier Circle easement due to a previously settled lawsuit.

Mr. Skemp expressed concerns about the work done on the lots and whether the owner possessed the proper permits for the work. The applicant stated that they were unaware of all the permits the owner had but believed he did possess a permit for earthwork. It was unclear if the owner had acquired a permit for tree work that they had done on the property.

Chair Sternowski listed the items still needed for approval of the site plan, including:

1. What permits had been issued to the applicant.
2. The legal right of way and the number of lots allowed by the lawsuit.
3. M. Richardson's proposed deed and covenants for the new subdivision and existing deeds and covenants for the Terrier Circle subdivision. Specifically, any governing new construction.
4. The opinion of a qualified professional for the availability of well water, namely a hydrologist.
5. A stormwater plan.
6. Designation as a major or minor subdivision and the number of lots included in the application.

Mr. Skemp also recommended that the site plan accurately reflect the current work on the property. The board also required that the COE be consulted to determine which permits the applicant possessed. The board also asked for a formal letter be sent to the applicant that would clearly list the needed items.

Item # 6: Other Business

- A. The Board reviewed the group Comprehensive plan survey and Chair Sternowski asked that the board members each review the additional 2 surveys individually. The board was most concerned about how the Planning board could shape community development in the future. Mr. Pio and Mr. Skemp were mainly concerned with smart growth and development in the community. The board recommended changing the Land Use Ordinances to reflect the Town of Rockport's Comprehensive Plan more accurately. They also wanted to give the Planning board more recourse to direct the type of development happening in accordance with the comprehensive plan.
- B. The board discussed the use of a calendar to allow all board members to see upcoming events. The board decided to use emails that included specific date and times that could be interpreted by any electronic calendar application to accommodate this need.
- C. The board discussed the idea of limiting the number of applications heard in each meeting. They also discussed whether there was a time frame in which the applications needed to be heard. No decision was reached, but the board agreed to monitor the application workload and decide on a future plan, if required.
- D. The board recommended that the ORC consider a LUO change that any abutters. Currently, an applicant provides the Board a list of abutters. They also discussed the idea of posting Notice of Change and permits at construction and project sites to notify abutters quickly.
- E. The board determined that the requirements for a solar farms as specified in the LUO needed to be more precise.
- F. Chair Sternowski addressed the 4% grade requirement for property access used on Route One, and recommended that it needed to be changed. He suggested this because of the difficulty of building new driveways that meet the 4% grade requirement and the large number of existing properties that do not meet this requirement, that the Board accept DOT recommendations
- G. Mr. Laurent addressed concerns about the COE and whether applicants were following through with their proposed plans. He felt as though many projects were straying from the approved plans and was concerned that nothing was being done to stop this. Mr. Thomas explained that the COE did not currently have the resources to police all

current projects. The town was in the process of certifying another town employee to share some of the workload.

- H. The board discussed current covid conditions and decided to hold the June 2021 meeting and all future meetings 'In Person'. .

Item # 7: Adjournment

Mr. Haley moved to adjourn, seconded by Ms. Condon.

Carried 7-0-0

Meeting Adjourned at 8:57 P.M.

Respectfully submitted,

Regan E. Crowe

Recording Secretary